

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, BAYER
S.A.S., and MERAL LIMITED,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

C.A. No. 10-CV-274-WO-WWD

**PLAINTIFFS' MOTION FOR EXTENSION
OF TIME TO FILE THEIR RESPONSE TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs, BASF AGRO B.V., ARNHEM (NL), WÄDENSWIL BRANCH, BAYER S.A.S. and MERAL LIMITED, ("hereinafter Plaintiffs") move the Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure for an order extending their time to file its Response to Defendants' Motion for Summary Judgment. In support of this Motion, Plaintiffs state as follows:

1. According to the terms of the Joint Motion to Amend the Scheduling Order submitted recently by the parties, Plaintiffs are currently scheduled to file and serve their response to Defendants' Motion for Summary Judgment on May 31, 2011.

2. This morning, during a status conference in BASF AGRO B.V., ARNHEM (NL), WÄDENSWIL BRANCH, and BAYER S.A.S. v. MAKHTESHIM AGAN OF NORTH AMERICA, INC., and CONTROL SOLUTIONS, INC., Case No. 10-cv-276, hereinafter “MANA”, the Court indicated that it would be issuing a ruling regarding injunctive relief sought by Plaintiffs.
3. The content of the pending order has the potential to alter the procedural posture of this case as well as the arguments that Plaintiffs will make in response to Defendants’ Motion for Summary Judgment.
4. Given the proximity in time of the Court’s ruling in MANA to the due date for Plaintiff’s response to Defendants’ Motion for Summary Judgment, the potential impact of the ruling on Plaintiffs’ response, and the intervening holiday weekend, Plaintiffs seek an extension of time in which to file their Response brief until June 14, 2011.
5. Plaintiffs have attempted to confer with local counsel for Defendants regarding this motion, but had not heard back as of the time of filing.

WHEREFORE, Plaintiffs respectfully move this Court to grant them an extension of time to and through June 14, 2011, in which to file their Response to Defendants’ Motion for Summary Judgment.

Respectfully submitted this 27th day of May, 2011.

/s/ Robert T. Numbers, II

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the **PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE THEIR RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Daniel Alan M. Ruley, aruley@belldavispitt.com, William K. Davis, wdavis@belldavispitt.com, Christopher G. Kelly, christopher.kelly@hklaw.com, Steven L. D'Alessandro, steven.dalessandro@hklaw.com, Robert J. Burns, robert.burns@hklaw.com, Joshua C. Krumholz, Joshua.krumholz@hklaw.com, Jitendra Malik, jmalik@alston.com, John Patrick Elsevier, jpelsevier@jonesday.com, Matthew W. Howell, matthew.howell@alston.com, Com, Judy C. Jarecki-Black, jduy.jarecki@merial.com, and Frank G. Smith, frank.smith@alston.com.

This the 27th day of May, 2011.

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